January 15, 1998

<u>NOTE TO BILL KINCAID</u>

Re: Flexibility for Education Opportunity Zones

Attached is a memorandum that discusses an option for providing increased flexibility to districts and schools under the Educational Opportunity Zones (EOZs) initiative. You asked us to describe this option in particular in greater detail. The memorandum addresses how districts that receive an EOZ grant could be given the authority to combine funds from most Federal education programs to implement comprehensive, districtwide efforts to raise the academic achievement of students. Similarly, depending on the scope of a district's EOZ proposal, other schools in the district could be given the authority to combine their resources in a way consistent with the Title I schoolwide approach.

As we discuss this and the other flexibility options that we outlined in our previous summary, we should examine more closely several issues:

- How does the EOZ initiative differ from and build upon activities conducted under other federal programs, particularly Title I and Goals 2000?
- To what extent do federal requirements actually impede local comprehensive reform efforts? What needs are addressed by the increased flexibility?
- How will we ensure that the intent and purposes of the various federal programs would continue to be met?
- How do we distinguish these options from efforts to block grant federal programs?

negotiated performance partnerships

- Recognizing that strong accountability systems have yet to be developed by many districts and schools, how will we ensure that any increased flexibility that might be provided will result in improved academic performance of students?
- What steps might be taken with respect to districts that fail to raise the achievement levels of their students after being granted increased flexibility?

We look forward to discussing these matters and other EOZ issues in more depth with you.

Steve Winnick and Phil Rosenfelt

Attachment

cc: Jamienne Studley
Mike Smith
Gerald Tirozzi

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Memorandum

To:

From:

Subject: Options for Amending the Ed-Flex Waiver Authority

Background

Under the Education Flexibility Partnership Demonstration Program (Ed-Flex), the Secretary has delegated to twelve states the authority to waive requirements of specified programs in the Elementary and Secondary Education Act (ESEA) and the Perkins Act. To be eligible for Ed-Flex, the state educational agency (SEA) in each state had to have its Goals 2000 plan approved by the Secretary and the authority to waive state education requirements. In addition, each state had to develop an education flexibility plan that outlined the methods the state would use to ensure accountability for student achievement under any waivers that would be granted. Up to twelve states are authorized to be Ed-Flex states under current law.

The twelve Ed-Flex states are Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Oregon, Texas, and Vermont. With certain statutorily defined exceptions, these states are authorized to waive requirements of the following programs:

Title I of the Elementary and Secondary Education Act (ESEA) -- Helping Disadvantaged Children Meet High Standards;
Title II of the ESEA -- Eisenhower Professional Development;
Title IV of the ESEA -- Safe and Drug-Free Schools and Communities;
Title VI of the ESEA -- Innovative Education Program Strategies;
Title VII, Part C, of the ESEA -- Emergency Immigrant Education; and
The Carl D. Perkins Vocational and Applied Technology Act.

In January 1997, the initial nine Ed-Flex states submitted to the Department reports summarizing their Ed-Flex activities. (At that time, Illinois, Michigan, and Iowa had not yet been granted Ed-Flex status.) These reports indicate that, with the exceptions of Texas and Ohio, most Ed-Flex states granted very few waivers for the 1995-96 and 1996-97 school years. The next states' reports will be submitted to the Department in early 1998. However, from conversations that staff have had with Ed-Flex representatives throughout the year, it does not appear that there has been a significant increase in Ed-Flex waiver activity since the last reports were submitted.

The Department's September 1997 Report to Congress on waivers noted the limited degree to which the Ed-Flex authority was being utilized. The report also indicated that there may be both benefits and drawbacks to delegating federal waiver authorities to the states. State educational agencies may be better positioned than the Department to provide technical assistance to districts exploring or operating under waivers. At the same time, however, delegating waiver authority to several states greatly increases the number of people involved in administering waivers of federal requirements, and results in parallel processes for granting the same kinds of waivers that schools districts may already seek from the Department. The report stated that it may be that the federal government is best positioned to make decisions about federal requirements.

Possible Amendments to the Ed-Flex waiver authority

(1) Expand the list of programs to which Ed-Flex applies.

As noted above, the Ed-Flex waiver authority applies to only six federal education programs. The Department could propose expanding the list of programs to which Ed-Flex applies, enabling states to waive requirements of any State-administered formula grant program, excluding the Individuals with Disabilities Education Act. (As with the current waiver authorities, certain requirements applicable to these programs would not be subject to waiver.) Ed-Flex states would then be authorized to waive requirements of additional ESEA programs (e.g., the Title III Technology Literacy Challenge Fund) as well as other programs (e.g., Goals 2000, the School-to-Work Opportunities Act, and the McKinney Homeless Children and Youth program). Since the School-to-Work Opportunities Act is administered jointly with the Department of Labor, the issue of whether to expand Ed-Flex authority to this program may need further consideration.

We should not seek to expand the programs to which Ed-Flex applies without seeking a corresponding expansion in the programs to which the Department's waiver authorities apply. For example, the Department currently does not have the authority to waive requirements of Goals 2000, School-to Work, or the McKinney program. It does not make sense to grant Ed-Flex states the authority to waive requirements of these programs unless the Secretary also has the authority to waive these requirements.

At some point, the Department could propose that its various waiver authorities be consolidated in the General Education Provisions Act. However, it may be better to wait until reauthorization of the ESEA and Goals 2000 before making such extensive changes to these waiver authorities. Ed-Flex is part of the Goals 2000 legislation. Proposing even minor amendments to Ed-Flex at this time may open up Goals 2000 to unwanted modifications.

(2) Authorize the Secretary to designate additional Ed-Flex states.

The Department could propose that Ed-Flex be amended to authorize the Secretary to designate additional states as Ed-Flex states. While there may be considerable interest in seeing the Ed-Flex program expanded, the Department should consider what justification there is for increasing Ed-Flex states at this time in the face of our experience with this authority.

Ed-Flex was established as a demonstration program. To date, there is little evidence demonstrating that the program has been successful in facilitating education reform efforts within states. As the Department noted in its Report to Congress on waivers, Ed-Flex states have not aggressively used their waiver authority. Similarly, the Department has received relatively few waiver requests from districts or schools in other states. The reason, as mentioned in the "Conclusion" section of the Department's Report to Congress, may simply be that, for the most part, there is already sufficient flexibility in the Department's programs. On the other hand, it is possible that designating states as Ed-Flex may have other, incidental benefits, including focusing states on the flexibility they have under current law or prompting them to waive or deregulate state requirements. At this time, we are unaware of evidence that the Department may have of these incidental benefits.

other than Texas

CO

If the Department were to propose increasing the number of authorized Ed-Flex states, it should consider also whether to propose changes in the manner in which Ed-Flex authority is granted. For example, Goals 2000 states are no longer required to submit their Goals 2000 plans to the Secretary for review and approval. Yet, Secretarial approval of Goals 2000 plans was a statutory prerequisite for eligibility for the initial Ed-Flex designations. Requiring potential future Ed-Flex designees to submit their Goals 2000 plans for Secretarial approval could result in renewed assertions by opponents of Goals 2000 that the program is an unwarranted federal intrusion into state or local education matters. Another change could be to clarify the statute so that states would not be chosen as Ed-Flex states unless they demonstrate to the Secretary's satisfaction that they will, in fact, use the waiver authority conferred.

No

There have been preliminary discussions concerning whether changes should be made in the way Ed-Flex states are held accountable for the performance of districts or schools that are granted waivers. Accountability under Ed-Flex is currently tied to state and local education improvement plans. Waivers are granted to eliminate barriers to the successful implementation of these plans. To the extent there are deficiencies in the manner in which Ed-Flex states are being held accountable, the weaknesses may be in the Department's implementation of Ed-Flex, rather than in the statutory criteria governing Ed-Flex. Before considering whether to propose statutory changes to strengthen state accountability under Ed-Flex, we should examine how the Department might improve its administration of Ed-Flex under the current statutory framework.

There has been some concern that to amend Ed-Flex would result in further amendments to the Goals 2000 legislation. The proposed changes in Ed-Flex could be considered through the appropriations process.

DRAFT

MEMORANDUM

TO: Bill Kincaid

FROM: Steve Winnick
Phil Rosenfelt

SUBJECT: Flexibility for Educational Opportunity Zones

You have asked us to elaborate on one of the options to provide flexibility for Educational Opportunity Zones (EOZs), specifically the option to authorize EOZ LEAs to combine Federal education resources at the district level. We have done so below. We believe it is very important to be able to articulate clearly the benefits that would be gained, as well as the existing impediments that would be alleviated, through this option, and the reasons why it is not being extended to all LEAs throughout the Nation.

This option is based on the concepts that embody schoolwide programs under Part A of Title I of the Elementary and Secondary Education Act (ESEA): the authority to combine Federal education funds, along with State and local funds, to upgrade the entire educational program to ensure that students in high-poverty areas meet challenging content and performance standards. The option would authorize any LEA that receives EOZ funds[1] to combine funds from most Federal education programs that the LEA receives and to use those funds to implement or expand a comprehensive, districtwide effort to raise the achievement of its students consistent with the EOZ authority.[2] This option would afford an EOZ LEA significant flexibility to serve all students in the LEA through comprehensive programs and activities, rather than by providing separate services to specific target populations. The educational purpose of the flexibility would be to focus an LEA's thinking on the needs of children, rather than on specific programs.

Agree

[1] We would not recommend extending this authority to LEAs that do not actually receive EOZ funds.

Prob ok

[2] The scope of this authority would be no broader than the project for which the funds were awarded. Thus, if an LEA applies to operate an EOZ program in only a portion of its schools, the ability to combine Federal education funds would only extend to that portion of the LEA.

Each LEA would need to demonstrate in its application for EOZ funds that it has a comprehensive plan that addresses the funding criteria (e.g., providing public school choice, holding schools and staff accountable for students' academic progress, including rewards and sanctions tied to students' performance, etc.). Ideally, this plan would not be new but would be the LEA's Goals 2000 plan or its consolidated local plan under Title XIV of the ESEA (modified, if necessary, to meet the funding criteria), thereby linking this program with the LEA's ongoing school reform efforts.

Under this option, an EOZ LEA could then combine most of the Federal education funds it receives.[3] Except as specified below, an LEA would not be required to meet the specific statutory and regulatory requirements of the programs whose funds it combines, as long as the LEA meets the intent and purposes of those programs (As illustrated in our guidance on Title I schoolwide programs, "intent and purposes" encompass the broad, key purposes of a program but do not include the specific requirements that implement those purposes.) An LEA would also not be required to track funds in order to demonstrate that it used funds from a particular program to meet the intent and purposes of that program. Combining funds to meet the collective needs of the included programs would thus allow an LEA to address needs of its students in an integrated way and would free the LEA from documenting that a specific program dollar was spent only for a specific program activity.

The "quid pro quo" under this option would be strong accountability provisions. An EOZ LEA would have to demonstrate that the flexibility afforded under this option resulted in significantly improved student achievement. One mechanism would be to incorporate the Title I concept of "adequate yearly progress."[4]

Quid pro quo is perform payment — don't have to separately prove need the play.

This option would permit an LEA to combine funds under the Individuals with Disabilities Education Act and Title I, Part A but would not relieve the LEA from complying with all

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[3] It may be possible to authorize an LEA to combine all Federal funds administered by the Department that the LEA receives. IDEA and Title I, Part A funds are dealt with separately (see below). Some other programs raise specific issues. For example, should an LEA be able to combine Adult Ed funds, which have a very different purpose from improving achievement of children in high-poverty schools and districts? Also, should this authority be extended to Federal funds an LEA may receive from other Federal agencies such as HHS or Agriculture?

K-12/ESEA Goals

NO

NO

[4] A problem with enforcing strong accountability requirements is that many States are only beginning to develop their new assessment systems and set student performance standards. Therefore, they do not have the means available at this point to adequately measure achievement to high standards.

requirements under those programs.[5] Moreover, an LEA would also need to comply with the following provisions, as applicable, of the programs whose funds it combines: health and safety requirements, civil rights requirements, gender equity requirements, participation and involvement of parents, equitable participation of private school students, teachers and other education personnel, maintenance of effort, and comparability of services. In addition, an LEA would have to ensure that it did not use Federal funds from these programs to supplant non-Federal funds. Moreover, an LEA would be required to comply with any within-district allocation provisions such as those in Part A of Title I of the ESEA.

Too big of a list of exemptions? or

With respect to discretionary grants for which an LEA has competed successfully, the LEA could combine those funds also under this option without accounting for the funds separately. However, the LEA would still need to carry out the activities described in the application under which the funds were awarded.

This authority would apply to funds retained and used at the district level. It could also apply to funds and services that are passed through to schools--whether or not a school is eligible under Title I to operate a schoolwide program--as long as the school meets the requirements in section 1114(b) of Title I.[6]

Together or separate?

We recommend that there be specific authority for the Secretary to be able to exercise oversight over this flexibility. For example, the Secretary could be given specific monitoring responsibility or the authority to terminate the flexibility if it is not being used responsibly.

what do folks think?

Performance-based or significant ~~[illegible]~~ abuse?

all?

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[5] We believe the Title I requirements should still apply because we think it is critical that we retain requirements concerning State content and performance standards and aligned assessments, adequate yearly progress, selection of target areas, and school and LEA improvement as well as important cross-cutting Federal requirements in GEPA and EDGAR such as the Tydings Amendment, obligation of funds, FERPA, record retention, etc. If we eliminate all requirements, we would be greatly expanding on the flexibility in the Title I schoolwide authority and would be very close to a block grant.

[6] This would be a major expansion of the Title I schoolwide program authority in the EOZ LEAs. Is that what we want?

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Steve Winnick and Phil Rosenfelt

Attachment

cc: Jamienne Studley
Mike Smith
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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE UNDER SECRETARY

January 8, 1998

Bill Kincaid
Special Assistant to the President
1600 Pennsylvania Avenue, NW, Room 220
Washington, DC 20502

Dear Bill,

Hello and Happy New Year. I enjoyed seeing you again during the holidays.

Remembering the many contributions you made to waivers here at the Department of Education, I thought you might be interested in our recent report to Congress on waivers. I'm enclosing a copy for you.

Sincerely,

Collette

Flexibility

WAIVERS:

INCREASED FLEXIBILITY
IN EXCHANGE
FOR INCREASED
ACCOUNTABILITY

Report to Congress
on the waiver authorities in
the Goals 2000: Educate America Act,
the reauthorized Elementary and Secondary Education Act,
and the School-to-Work Opportunities Act

U.S. Department of Education

September 30, 1997

TABLE OF CONTENTS

I. INTRODUCTION

States and school districts now have significantly increased flexibility in how they may use federal education funds to help all children reach challenging academic standards as a result of three laws passed in 1994 -- the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and the reauthorized Elementary and Secondary Education Act (ESEA). These laws contain many provisions that enable states, school districts, and other education providers to adapt federal programs and use federal funds in ways that best educate children. For example, instead of writing multiple applications for various federal education program funds, state and local educational agencies may submit just one application covering most federal elementary and secondary programs. State educational agencies (SEAs) also may consolidate administrative funds from several programs. In addition, more schools are now eligible to use federal funds for programs that improve the whole school's curriculum instead of providing a narrower range of services to specific groups of children.

Waiver authorities included in these laws are additional tools for expanded flexibility in federal education programs.[1] Providing increased flexibility in exchange for increased accountability for raising student achievement, these waiver authorities allow states, school districts, and others to seek waivers of specific federal program requirements, when necessary, to address local needs with locally designed solutions. The legislation encourages educators to first define their strategies for improving the academic achievement of their students, and then use any or all of the flexibility measures, including waivers, to carry them out.

Most requirements of the following Acts can be waived:

- **The Elementary and Secondary Education Act (ESEA)** -- including Title I, Part A, Helping Disadvantaged Children Meet High Standards; Even Start; the Eisenhower Professional Development Program; and the Safe and Drug-Free Schools Program;

- **The Carl D. Perkins Vocational and Applied Technology Education Act.**

Federal law requires waiver applicants to identify the key educational goals they expect to achieve with a waiver as well as describe how a waiver would improve instruction and academic performance and further school reform efforts. In addition, all waivers must support the underlying intent and purposes of the affected programs.[2]

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[1] The general waiver authorities are contained in section 311 of the Goals 2000: Educate America Act, section 14401 of the Elementary and Secondary Education Act (ESEA), and sections 501 and 502 of the School-to-Work Opportunities Act.

[2] See Appendix A for lists of specific provisions that may be waived and the statutory criteria for granting waivers under these provisions.

The Education Flexibility Partnership Demonstration Program (Ed-Flex), also authorized by the Goals 2000 legislation, represents another approach to waivers. The Secretary of Education has selected 12 states to participate in this program and has delegated to them the authority to waive federal requirements for their school districts. School districts in these states apply for waivers of federal requirements to their state educational agency instead of to the federal government.

This report examines the implementation of the general waiver authorities and Ed-Flex. It provides an analysis of the waivers that have been granted and of the Department's experience with the waiver authorities. The report makes three primary observations:

> **Observation #1: Federal education legislation provides sufficient flexibility to support most state and local school improvement efforts without a waiver.**
>
> **Observation #2: Waivers support state and local efforts to improve teaching and learning in many different ways.**
>
> **Observation #3: The types of waivers requested varies among states and over time.**

Section II of this report reviews the waivers granted by the Department. It covers a period that begins with the first set of waivers, which were granted for school year 1994-95, and ends with requests for waivers to be implemented by the beginning of school year 1997-98. After two years of operating under a waiver, districts are required by law to report to their states on progress made under their waivers. In turn, the states must report to the Department on how these waivers have been used to improve teaching and learning. As states need time to incorporate student achievement data from the second year of waivers, the Department has not yet received state reports containing achievement data. As a result, this report is based on information provided by local waiver recipients in their applications. Future reports will include information provided by states on the effectiveness of activities carried out under waivers.

Section III of this report examines Ed-Flex. It describes the Secretary's delegations of waiver authority to states and includes information from states' first-year reports on Ed-Flex. Section IV discusses the Department's administration of the waiver authorities and Ed-Flex, and Section V contains some brief conclusions.

II. REVIEW OF WAIVER REQUESTS

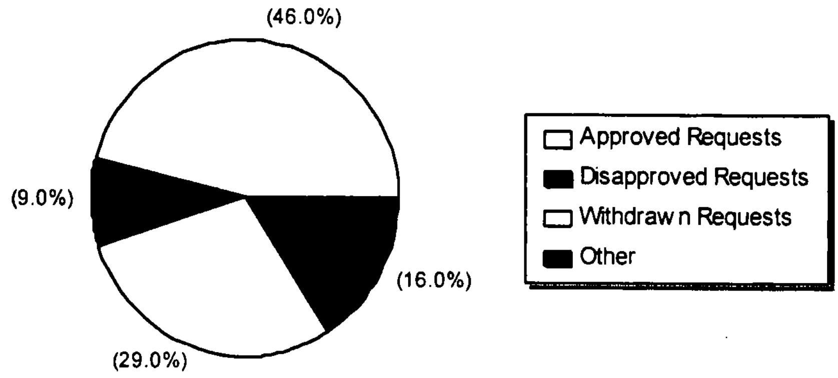
Observation #1: Federal education legislation provides sufficient flexibility to support most state and local school improvement efforts without a waiver.

The Department's experience with waivers indicates that the framework Congress has established for federal elementary and secondary education programs already incorporates much of the flexibility needed by state and local educators to carry out their school reform efforts.

From school year 1994-95 until just before school year 1997-98, the Department received 435 requests for waivers from state educational agencies and school districts in 48 states. SEAs submitted 60 requests. The remaining 375 requests from school districts represent less than 3 percent of school districts in the nation. The small number of waiver requests and the broad geographic representation of applicants together suggest that school districts and states generally are able to pursue their education improvement goals without needing a waiver.

Of the 435 requests for waivers, the Department approved 46 percent and disapproved 9 percent. Sixteen percent were either withdrawn or not processed for various reasons (for example, the district altered its school improvement plans so that it no longer needed a waiver, the requested waiver was outside the scope of the Secretary's authority, or the applicant failed to address a majority of the application requirements). (See Figure 1.)

Figure 1: Waiver Requests Received by the Department

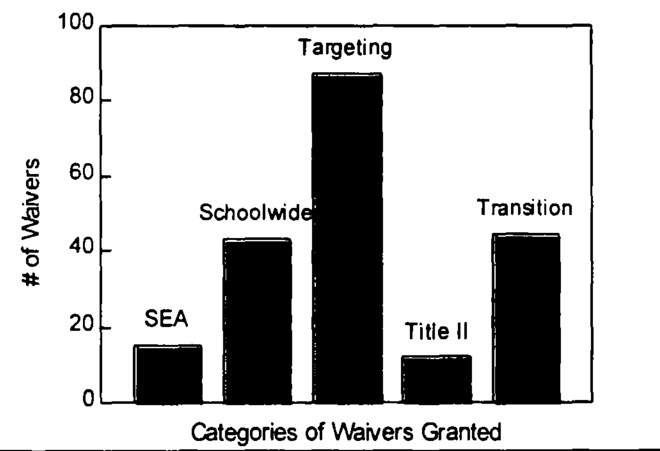


The remaining 29 percent, or 127 waiver requests, were unnecessary because applicants already had enough flexibility under the relevant laws to do what they were asking to do. In these cases, the barriers to change were perceived barriers rather than legislative restrictions, and the availability of waivers encouraged educators to think beyond the limitations of their current practices.

The small number of provisions waived, relative to the size and scope of the programs involved, also suggests that federal requirements do not function as significant barriers for states and school districts. The 202 waivers granted involved only 14 requirements. Few of the waivers requested, whether approved or not, dealt with fundamental program components. For example, many of the waivers requested related to which schools within a district could receive funds rather than to which kinds of educational activities could be funded.

For the 202 waiver recipients, the current federal program requirements, although appropriate in most circumstances, did not fully support their efforts to meet the educational needs of students in particular school districts or states. In these specific cases, waivers provide recipients with the needed flexibility. Each of these waivers was approved because the applicant demonstrated that the waiver would likely contribute to improved teaching and learning and met the other criteria for receiving a waiver, including developing clear goals for the applicant's students and programs, weighing any negative impacts of the proposed waiver against expected benefits, and seeking stakeholder comments on the proposal. In each case where the Department determined the applicant's request would not further the intent of the affected legislation and was not in the best interest of the affected students, the waiver was denied.

Figure 2: Waivers Granted by Category



The waivers approved fall into five general categories: waivers granted to state educational agencies (SEAs) (8 percent), waivers of the minimum poverty threshold for implementing schoolwide programs under ESEA Title I (21 percent), waivers of provisions for targeting ESEA Title I funds within a school district (43 percent), transition waivers to accommodate temporary situations during periods of change (22 percent), and waivers of the mathematics and science priority of the ESEA Title II Eisenhower Professional Development Program (6 percent). (See Figure 2.) In many cases, the waivers supported pragmatic alternatives for carrying out specific federal programs. In a smaller number of cases, waivers were used to support broad and comprehensive school reform efforts.

Most waivers have been granted under the general waiver authority in section 14401 of the ESEA, rather than under the similar authorities in Goals 2000 and the School-to-Work Opportunities Act. This is because, at the time many waivers were sought, several states had not completed their Goals 2000 or School-to-Work plans, a necessary step to qualify for waivers under those two waiver authorities. Furthermore, the ESEA general waiver authority covers a broader range of programs.

In addition to the general waiver authority in the ESEA, the ESEA contains two program-specific waiver authorities which similarly focus on improving teaching and learning in school districts following court-ordered or state-ordered desegregation plans and in federally supported charter schools. Eleven waivers have been granted under the ESEA Title I desegregation waiver authority, described later in this report. One waiver has been granted under the public charter schools waiver authority in section 10304(e) of ESEA, which permits the Secretary to waive federal requirements for federally-supported charter.[3]

Observation #2: Waivers support state and local efforts to improve teaching and learning.

Each of the following five subsections discusses a category of waivers granted and includes examples that highlight how waivers have promoted school reform for both state educational agencies and school districts. Appendix B provides state-by-state lists of all waivers granted.

(1) Waivers Granted to State Educational Agencies

Waivers granted to state educational agencies (SEAs) help to strengthen state school reform efforts, better align state and federal school improvement initiatives, ease consolidation of administrative funds, and increase the flexibility available to the school districts in the state. In several cases, the requirements waived apply to the SEA, while in other cases, they apply to school districts throughout the state. Waivers of the mathematics and science priority in the ESEA Title II Eisenhower Professional Development Program, the waivers most commonly sought by SEAs, are discussed in a separate section.

At the time of this report, the Department is reviewing waiver requests from several SEAs concerning the time line for the ESEA Title I requirement that all states have challenging content and student performance standards in place by the beginning of the 1997-98 school year. The Department has indicated to states that likely cannot meet this deadline that it will entertain requests for a limited waiver of the standards deadline; however, the Department has also noted that it will not waive the fundamental requirement to have challenging and aligned content and performance standards. Because no final determinations have been made regarding these pending waiver requests, they are not counted along with the 435 waivers reported on throughout this report. Instead, information on these requests will be included in the next report to Congress on waivers.

The list below highlights examples of waivers already granted to SEAs.

- The Technology Literacy Challenge Program in ESEA Title III provides funds for acquiring technology and gives funding priority to high-poverty school districts and school districts with the least access to technology. A waiver of certain Title III provisions permits the **Oregon Department of Education** to make planning grants to school districts with the fewest technology resources in order to support these school districts' efforts to develop comprehensive, long-range technology plans in -- a move the

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[3] Section 1113(a)(7) of the ESEA is the Title I desegregation waiver authority, which is discussed later in this report. Section 10304(e) is the charter schools waiver authority.

state believes will increase the number and quality of technology plans implemented under Title III in Oregon.

- With a waiver, the **Arizona Department of Education** may continue funding two exemplary Even Start subgrantees beyond the eight-year limit in the statute. These exemplary sites will serve as mentors to other Even Start projects in the state, providing technical assistance and professional development.

- The **California Department of Education** and the **Colorado Department of Education** received waivers allowing the SEAs, rather than the Secretary, to review and approve applications for coordinated services projects under ESEA Title XI. The waivers support the efforts of these two states to encourage their school districts to develop and implement effective coordinated services projects, which bring together services for children and their families.

- Title XIV of the ESEA permits states to consolidate certain administrative funds at the SEA level. Both the **Minnesota Department of Children, Families and Learning** and the **California Department of Education** were granted waivers that expand their ability to consolidate administrative funds in ways that better match their recently reorganized administrative structures.

- A waiver granted to the **New Jersey Department of Education** enables its school districts to use funds under ESEA Title VI, the program for innovation and school improvement, to meet the local cost share requirement of the Title II Eisenhower Professional Development Program. The waiver facilitates coordination between these programs and encourages school districts to support innovative education programs through professional development.

- In Massachusetts, the Secretary of Education has sole authority to administer the State's charter school program, while the ESEA vests administration of a similar federal program in the SEA. With the waiver granted to the **Massachusetts Department of Education**, the Massachusetts Secretary of Education may serve as the SEA for purposes of the federally funded charter school grant program.

- The **Kentucky Department of Education** received a waiver that aligns the accountability schedules under ESEA Title I with the requirements of the state's accountability system. For evaluating school district and school performance, Title I requires states to collect data on student achievement for two consecutive years, while the Kentucky Instructional Results Information System is based on the average of two years of achievement data. The waiver supports the purposes of Title I by linking Title I accountability to challenging state standards and assessments that apply to all children.

- The **South Carolina Department of Education** received a waiver of the Title I provision requiring schools to have an enrollment in which at least 50 percent of the children are from low-income families in order to operate a schoolwide program under Title I. The waiver allowed 35 schools in the state, each with between 40 and 49 percent of their students from low-income families, to implement a specific program model, "Primary Success," as a schoolwide program, once they met the federal schoolwide planning requirements. Before requesting the waiver, South Carolina piloted this model in schools where students subsequently demonstrated significant achievement gains.

- Two waivers were granted to the **Puerto Rico Department of Education**. The first allows Puerto Rico to use the Income Eligibility Guidelines prepared by the U.S. Department of Agriculture to calculate for Title I funding the percentages of children from low-income families at schools in a school district. The second allows it to phase Title I services into its high-poverty high schools.

The Department disapproved waiver requests from SEAs when it determined they would not further the underlying intent and purposes of the federal programs in question. For instance, Title I requires assessments of student achievement in at least two core academic subjects, mathematics and reading/language arts, to ensure that students served by the program are making progress toward state learning standards. The Department disapproved one state's request to limit accountability to one subject, mathematics or reading, in certain schools.

(2) Waivers of the Minimum Poverty Threshold for Implementing Schoolwide Programs

Title I, Part A, of the ESEA focuses resources on schools serving economically disadvantaged children who are least likely to succeed academically without supplemental assistance. In schools with large concentrations of students from low-income families, disadvantaged students may be served best by improving the entire school, rather than by operating separate programs that target additional resources to individual students. Thus, a key set of Title I requirements addresses the issue of which schools should be allowed to implement schoolwide plans to upgrade their entire educational program.

Title I permits schools in which at least 50 percent of the children are from low-income families to use Title I funds, in combination with most of their other federal education funds, to operate schoolwide programs. Schools with less than 50 percent of their students from low-income families, by contrast, must use Title I funds to target services to particular students. Forty-four waivers granted to school districts have allowed schools with between 35 and 50 percent of their students from low-income families to implement schoolwide programs, even though they are below the statutory threshold.

In exchange for the significantly increased flexibility schoolwide programs afford to schools, schools that want to operate as schoolwide programs must engage a wide range of stakeholders in one year of planning for a schoolwide program. These planning efforts must include certain components: identifying the primary needs of students at the school, selecting strategies that will effectively address these needs, designing programs to provide professional development for teachers and increase parental involvement in the school, and incorporating steps to ensure that the needs of the lowest-achieving students will be met in the schoolwide program. For each schoolwide waiver approved, the affected school or schools had developed quality schoolwide plans.

In cases where the Department disapproved requests to implement schoolwide programs, the applicant typically had not carried out sufficient planning or had developed a plan that was likely to continue focusing on individual students rather than on upgrading the whole curriculum and school.

*With a waiver, **Kealakehe Intermediate School in Hawaii** will implement a schoolwide program this year, even though the poverty rate at this school is 47 percent and below the statutory threshold for implementing a schoolwide program. Through a schoolwide needs assessment, the school identified writing and literacy skills as the primary areas of need for its students and developed a "reading through writing" strategy to help address these needs. The school will develop specialized writing standards and assessments for its students, create a format for student writing portfolios, establish a Writing Center, and establish a parent volunteer program. In addition, as a schoolwide program, the school will train teachers in all subject areas to better integrate writing into their classes.*

(3) Waivers of ESEA Title I Targeting Provisions

Another set of Title I requirements addresses the issue of which schools within a district are eligible to receive Title I funds. The law focuses federal funds on schools with relatively high concentrations of poverty, in order to help the most disadvantaged children meet challenging state academic content and student performance standards. Based on the demonstrated correlation between low academic achievement and poverty, several provisions of law require districts to target Title I funds to schools with the highest percentages of children from low-income families.[4] In certain cases, however, these approaches to targeting may not be the best way to meet the needs of students in a school district. To accommodate the exceptions, the Department has granted 77 waivers of Title I targeting provisions under the general waiver authority in ESEA section 14401,[5] and 11 under the Title I desegregation waiver authority.

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[4] These targeting provisions are in section 1113 of the ESEA.

[5] While the ESEA general waiver authority does not permit waivers of requirements relating to the distribution of funds *to* school districts, it does permit waivers affecting the distribution of funds *within* a school district.

Notably, many of these waivers involve schools that are just below the poverty thresholds for Title I eligibility or are at the margins of certain funding requirements.

Targeting Waivers Granted under the ESEA General Waiver Authority

Most of the 77 Title I targeting waivers approved under the general waiver authority were granted to:

- Relatively low-poverty school districts;
- School districts wishing to serve schools that were ineligible but had percentages of children from low-income families near the eligibility thresholds;
- School districts with narrow ranges of poverty rates; and
- School districts where certain schools have exceptional needs relative to other schools in the district.

Under the Title I targeting provisions, schools with at least 35 percent or more of their students from low-income families or schools with poverty rates above the district-wide average are eligible for funding. In school districts that received multi-year waivers of Title I targeting provisions, the average percentage of children from low-income families is 30.5 percent. Forty-three percent of all targeting waivers were granted to districts in which the percentage of children from low-income families is below 35 percent in all schools.

*In **Greensburg Salem School District in Pennsylvania,** achievement data indicated that students at Metzgar Elementary School were performing below their counterparts at other district elementary schools. With 26 percent of its students from low-income families, the school falls 4 percent below the Title I eligibility threshold in the district. The waiver allows the district to provide Title I services at Metzgar, as well as at its two other elementary schools. Even with the waiver, each school receives a supplemental allocation of $890 per pupil.*

Seventy-three percent of targeting waivers allowed school districts to provide Title I services at schools with percentages of children from low-income families below the eligibility threshold. As a result, the number of schools served in these primarily low poverty districts increased by 31 percent, or by 74 schools. At these otherwise ineligible schools, the percentages of children from low-income families, on average, were about 4 percent below the districts' eligibility thresholds.

Twenty-nine percent of the targeting waivers granted were for cases where the range of poverty rates among schools in the district is 10 percent or less. In such cases, the schools within a district did not seem to differ much from one another and tended to fluctuate in and out of Title I eligibility from year to year. For instance, **Belleville Township High School District, Illinois,** consists of two high schools, each with about the same percentage of students from low-income families (16 percent and 18 percent). Under Title I, the school with the larger percentage of students from low-income families each year would be eligible for Title I, while the other school would not. With its waiver, the district is able to continuously provide Title I services to students at both schools.

Title I requires school districts to fund schools in rank order, according to the percentages of children from low-income families at each school, so that per pupil allocations to higher poverty schools are at least as large as those to lower poverty schools. Twenty-seven percent of the targeting waivers allowed school districts to allocate additional funds to lower poverty schools. In districts with these waivers, the average differential in poverty rates between the high and low schools funded was 16 percent, and the average differential in funding was $409 per pupil. A waiver of this allocation requirement allows **Fort Worth Independent School District in Texas** to provide extra Title I dollars to four inner-city, elementary schools that were identified for extensive restructuring based on low achievement and other factors. Even though over 90 percent of the students at each of these schools are from low-income families, the schools are still not the poorest schools in the district.

In six cases, waivers permit school districts to not serve some Title I-eligible schools so they may serve schools with smaller percentages of children from low-income families. (See Palm Beach County, Florida example.)

*In **Palm Beach County School District, Florida,** a waiver allows the district to provide Title I services at one additional elementary school which has been identified as a low-performing school. Without the waiver, the district could not provide Title I services at Poinciana Elementary School without also serving seven other schools with slightly higher poverty rates and, as a result, diluting the amount of Title I funds given to the district's poorest schools.*

To each school served by Title I, the ESEA also requires school districts to provide Title I per pupil amounts that are at least 125 percent of the Title I per pupil allocation received by the district. (This is possible because each district's Title I allocation is based on a formula that counts all of the low-income children who live in the district, and not just the children enrolled in the schools served.) Thirty-two percent of all targeting waivers were for this per pupil allocation requirement. In districts with waivers of this requirement, eligible schools receive per pupil allocations of approximately $560 per pupil -- about 27 percent lower than the allocation they would have received without a waiver.

The Department disapproved requests for targeting waivers that lacked a compelling educational justification or, in other words, when the applicant failed to demonstrate why a waiver would be in the best interest of its students. For instance, some applicants requested waivers to provide Title I services in otherwise ineligible schools, even though students in those schools outperformed children in schools that would have received fewer funds with a waiver. In other instances, applicants did not adequately demonstrate that the needs of students in higher poverty schools were being addressed enough to justify a transfer of funds away from those schools.

Targeting Waivers Granted under the ESEA Title I Desegregation Waiver Authority

Within Title I is a specialized waiver authority that permits the Secretary to waive within-district Title I targeting requirements for school districts following court-ordered or state-ordered desegregation plans. This waiver authority gives districts greater flexibility in using Title I funds to serve students who are transferred from Title I schools in their neighborhoods to other schools as a result of a mandated desegregation plan.

To receive a waiver under this authority, a school district must demonstrate that the waiver would further the purposes of Title I. The Department has granted 11 waivers under this authority. Four other requests for waivers under this authority were withdrawn.

(4) Transition Waivers of Title I Schoolwide and Targeting Requirements

Forty-four "transition" waivers were granted to accommodate temporary situations in school districts and during this reporting period. Typically, these transition waivers were for one year only.

The reauthorized ESEA contained a transition year to phase in the lower poverty threshold for schoolwide programs. Prior to reauthorization, only schools with at least 75 percent of their students from low-income families were allowed to use Title I funds for schoolwide programs. The threshold was set at 60 percent of students from low-income families for the 1995-96 school year, then reduced to 50 percent for subsequent years. Four waivers granted allowed schools in which between 50 and 60 percent of the students were from low-income families, and which had already developed comprehensive schoolwide plans, to implement these plans a year earlier than they otherwise could have under the statute. Another 40 transition waivers were for Title I targeting requirements.

> ***Burrell School District, Pennsylvania,*** *received a one-year transition waiver allowing it to provide Title I services in all four of its elementary schools, two of which would otherwise be ineligible, while the district consolidates all of these smaller schools into one new school building in the course of the school year. With the waiver, during the transition, all schools are able to offer the same programming and disruption caused by the consolidation will be minimized.*

(5) Waivers of the Mathematics and Science Priority in the Eisenhower Professional Development Program

Title II of ESEA, the Eisenhower Professional Development Program, supports professional development in core academic subjects and requires states and school districts to spend a minimum amount of funds for professional development in mathematics and science. If the annual appropriation for Title II exceeds this minimum, states and school districts may use the additional funds for professional development in other subjects. The percentage of funds available for subjects other than mathematics and science was 14.7 percent in fiscal year 1996 and 22.7 percent in fiscal year 1997.

While the Department recognizes the importance of mathematics and science education, it has granted waivers of this funding priority to seven states and two consortia of school districts. In these cases, the Department determined that waivers would promote professional development activities designed to help all students reach challenging standards in all core subjects, including mathematics and science. With a waiver, these states and consortia may spend a greater proportion of their total Title II funds on subjects other than mathematics and science. However, even with their waivers, these states and school districts may spend a significant portion, or even all, of their Eisenhower funds for professional development in mathematics or science.

According to the Missouri Mastery and Achievement Tests (MMAT), students in the state are doing better in mathematics and science at both the high and low ends of the scale than they are in reading and social studies. To help raise student achievement in reading and social studies, the ***Missouri Department of Elementary and Secondary Education*** *requested and received a waiver of the Title II mathematics and science priority. With the waiver, school districts in Missouri may use Eisenhower Professional Development funds in other core subject areas, including reading and social studies. During the period of the waiver, Missouri will continue to use the State assessment to monitor student achievement in mathematics, science, and other subjects areas.*

The Department disapproved requests from two states for waivers of the Title II mathematics and science priority. Both states wanted to spend additional Title II funds in other core subjects, but neither state demonstrated how the waiver would improve student achievement, whether students were achieving at satisfactory levels in mathematics and science, or that compelling needs existed in other subjects.

Several states received waivers of the mathematics and science priority that support efforts to prepare educators to implement state content and student performance standards:

- The **Florida Department of Education** will use its waiver to support professional development activities required to put in place the state's newly developed content standards (the Sunshine State Standards) and the new Florida Comprehensive Assessment Test.

- The **South Dakota Department of Education and Cultural Affairs** will use its waiver to support the adoption of the South Dakota Content Standards.

- The **Virginia Department of Education** is using its waiver to help implement the Virginia Standards of Learning.

The **Oregon State System of Higher Education** and the **Nebraska Coordinating Commission for Postsecondary Education** received waivers of the mathematics and science priority for the portions of the state Title II allocations that support professional development through postsecondary institutions. In Oregon, foreign language is one of the core subject areas in the state's systemic reform initiatives, and Oregon has set clear goals for increasing the quality of its foreign language instruction. Oregon will use its waiver to allocate up to 40 percent of its Eisenhower funds for postsecondary institutions for foreign language projects. In contrast, the waivers granted to the **Wyoming Department of Education** and two consortia of school districts in **Pennsylvania** support efforts at the school district-level to coordinate professional development activities.

*The **Vermont Department of Education** is using its waiver of the mathematics and science priority to provide professional development for cross-content area activities. As with other recipients of Title II waivers, in Vermont the Eisenhower mathematics and science priority functioned as a barrier to coordinating professional development activities in all subject areas in its Common Core, including mathematics and science.*

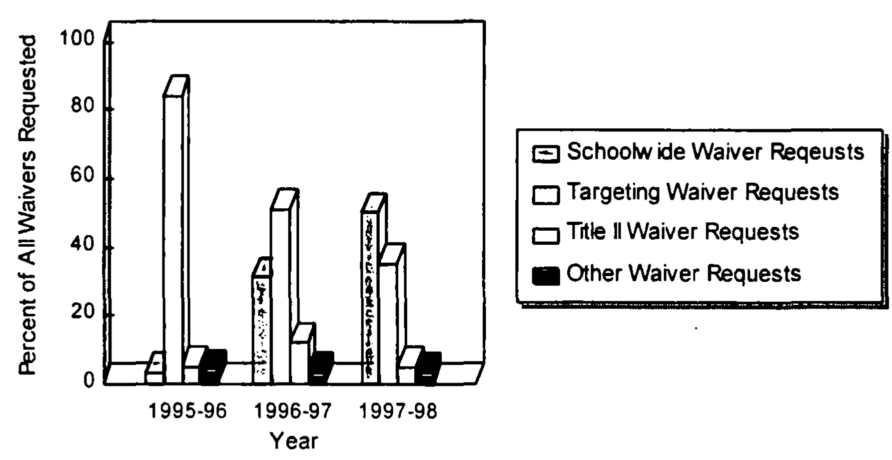
Observation #3: The types of waivers requested varies among states and over time.

Several trends have emerged during the three years since the implementation of the waiver authorities. The Department has observed that the use of waivers by school districts depends largely on the degree to which SEAs encourage their districts to apply. Although waiver requests have been received from most states, some states and their school districts have submitted many more requests than others. For example, more than half of the 435 waiver requests received by the Department came from just five states (California, Hawaii, Illinois, Pennsylvania, and Tennessee), with districts from Pennsylvania submitting 27 percent of all waiver requests. A recent study of the implementation of Federal programs also confirmed variations in awareness of waivers between SEAs and school districts. Specifically, in the study, 87 percent of all SEAs reported a reasonable or full understanding of the waiver authorities while only 52 percent of their school districts reported a reasonable or full understanding of waivers. Smaller percentages of SEAs and school districts indicated they need more information and assistance with waivers: 21 percent of SEAs and 27 percent of school districts reported needs for more information or assistance.[6]

[6] See "Reports on Reform from the Field: District and State Survey Results," prepared under contract by the Urban Institute for the U.S. Department of Education, 1997.

As noted earlier, the waiver process also has highlighted many instances in which educators have much more flexibility in the use of federal funds than they think they do. Often educators did not need the waivers they requested because the desired flexibility was already incorporated in the reauthorized ESEA. For instance, many school districts were unaware of new options in the ESEA for calculating poverty rates (which affect Title I allocations). Similarly, several school districts did not realize that the reauthorized ESEA allows them to vary allocations to schools among grade spans of elementary, middle, and high schools. With time, states and districts have become more familiar with the requirements in the reauthorized ESEA, and the number of unnecessary waivers requested has decreased. During the first year of waivers, nearly one-third (31 percent) of all waivers requested were not needed; by the third year of waivers, that number had dropped to 9 percent.

Figure 3: Categories of Waivers Requested by Year



The types of waivers requested also has changed over time, as illustrated in Figure 3. Requests for waivers of Title I targeting requirements were most common during the first year after reauthorization. More recently, requests for waivers of the minimum poverty threshold for implementing schoolwide programs have become the most common type of waiver requested.

III. THE EDUCATION FLEXIBILITY PARTNERSHIP DEMONSTRATION PROGRAM (ED-FLEX)

The Education Flexibility (Ed-Flex) Partnership Demonstration Program is an unprecedented partnership between the federal government and states. Ed-Flex allows the Secretary of Education to delegate to up to 12 Goals 2000 states[7] the authority to waive for their school districts and schools statutory or regulatory requirements of several ESEA programs and

[7] The Goals 2000: Educate America Act authorized the Secretary to select six states with approved Goals 2000 plans to participate in Ed-Flex. The Omnibus Consolidated Rescissions and Appropriations Act of 1996 expanded the allowable number of Ed-Flex states to 12.

the Carl D. Perkins Vocational and Applied Technology Education Act. Specifically, Ed-Flex states may waive most requirements of ESEA Titles I, II, IV, VI, and VII (Part C) and of the Perkins Act.[8]

Ed-Flex is a demonstration program designed to give states increased flexibility in exchange for increased accountability for improved student achievement. The same flexibility available in Ed-Flex states is available to school districts in all other states through the Department and the waiver authorities it administers.

On July 18, 1997, the Department finished selecting the Ed-Flex states. The 12 states are **Colorado, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, New Mexico, Ohio, Oregon, Texas, and Vermont.** Each Ed-Flex state designed a waiver review process that holds school districts and schools affected by waivers accountable for improving the academic performance of their students.

Ed-Flex states must report annually to the Department on the waivers they grant. Earlier this year, the nine states selected prior to the 1996-97 school year submitted their first reports, which provided preliminary information about how they are administering their new waiver authority. In early 1998, the Department will receive annual reports from all 12 Ed-Flex states. Information from these reports will be summarized in future reports to Congress.

Based on the initial round of state reports and applications from the Ed-Flex states, the Department has made the following observations.

Observation #1: Strong state accountability systems appear to support effective implementation of Ed-Flex.

In exchange for the authority to grant waivers of federal requirements, Ed-Flex states were required by law to outline the methods they would use to ensure accountability for student achievement when they approved a waiver. As a result, states with well-developed accountability systems have been in the best position both to apply for Ed-Flex and to administer the waiver authority. While future state reports should tell more about accountability in Ed-Flex states, some information can be gleaned from the experience of the Texas Education Agency, which had approved the most waivers at the time the first state reports were submitted and has tightly tied its administration of Ed-Flex to its state assessment. Texas made the following comment, "Ed-Flex waivers provide the avenue for local educators to redirect the design and

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[8] For provisions not covered by the Ed-Flex waiver authority, Ed-Flex states may request waivers from the U.S. Department of Education. Waivers also were granted in certain Ed-Flex states prior to their Ed-Flex designations. Appendix B lists waivers granted by the Department in Ed-Flex states as well as in other states.

delivery of federal programs to supplement reform initiatives taken with state and local funds to achieve the state's high standards of performance for all students and for all student groups."

Observation #2: Ed-Flex states have granted relatively few waivers, and the types of waivers they have granted are similar to the waivers approved by the Department.

The experiences of the Ed-Flex states appear to reinforce the Department's observation that federal laws are not significant barriers to school reform. With the exceptions of Texas and Ohio, most Ed-Flex states granted very few waivers for the 1995-96 and 1996-97 school years. Oregon and Maryland granted one waiver each while Kansas granted 14 waivers.

The Texas Education Agency actively promoted the waivers as an option for school districts and closely tied the flexibility available to its school districts under Ed-Flex to the achievement of their students, as determined by the state assessment. Texas approved waivers of 14 different provisions, many on a "statewide" basis where, consistent with the state's Ed-Flex accountability requirements, any Texas school district may opt to take advantage of the flexibility defined by the statewide waiver. Texas also defined two categories of waivers, administrative and programmatic. The administrative waivers give additional administrative flexibility to approximately 550 school districts. The 254 programmatic waivers granted by the Texas Education Agency closely resemble those approved by the U.S. Department of Education for targeting requirements and the minimum poverty threshold for implementing schoolwide programs.

Observation #3: There may be both benefits and drawbacks to delegating federal waiver authorities to the states.

With Ed-Flex, participating states can integrate their authority to waive federal rules with their own processes for waiving state rules. They can also link approval of waivers to state school reform initiatives and state accountability systems. Similarly, since state educational agencies usually have closer relationships with school districts than the federal government does, they may be better positioned to provide technical assistance to districts exploring or operating under waivers.

At the same time, delegating waiver authority to several states greatly increases the number of people involved in administering waivers of federal requirements, and results in parallel processes for granting the same kinds of waivers that school districts may already seek from the U.S. Department of Education. In addition, the people who approve or disapprove waivers, wherever they are located, need to have a very good understanding of both the relevant program requirements and the waiver authorities; it may be that the federal government is best positioned to make decisions regarding federal requirements. Preliminary information suggests that decentralized decision-making may lead to states making somewhat different interpretations about the flexibility available in federal programs.

The Department will continue to review the effectiveness of Ed-Flex as additional state reports are received.

IV. THE DEPARTMENT'S ADMINISTRATION OF THE WAIVER AUTHORITIES AND ED-FLEX

In framing new flexibility measures for states and school districts, the Department has encouraged educators to focus first on defining effective strategies for improving the academic achievement of their students, and then to use any or all of the available flexibility measures to achieve their goals for students.

Administration of the Waiver Authorities

Immediately following the enactment of the waiver authorities, the Department initiated several efforts to make educators aware of the waiver provisions and to provide information on applying for a waiver. The Department developed non-regulatory guidance that explains the waiver authorities and how to apply for a waiver, and mailed this guidance to all local school superintendents, state-level federal education program coordinators, chief state school officers, and numerous education associations and interest groups. (Specific instructions for applying for waivers under the Title I desegregation waiver authority were published in the *Federal Register* (see *60 Federal Register 52818*, October 10, 1995)). The Department also established a Waiver Assistance Line for callers and posted the guidance and other information on waivers on the Department's Internet Home Page.[9] In addition, the Department has publicized the availability of waivers at numerous conferences. In particular, the Department has held workshops about waivers for state and local educators at each of its annual Improving America's Schools conferences.

Internally, the Department established a Waiver Action Board, consisting of senior officers, to review requests for waivers and to provide for consistent, expeditious, and thorough reviews of each waiver request. The Board considers each waiver request and makes recommendations to the Acting Deputy Secretary, to whom the Secretary has delegated his waiver authority. The composition of the Board brings critical perspectives and interests to the table; it ensures that each request will be comprehensively reviewed by the Assistant Secretary responsible for the administration of the affected program, by senior officers responsible for other programs that may serve the same affected populations, and by other officials who provide general policy and legal reviews of each request. The Waiver Action Board has developed a base of knowledge that is useful not only for reviewing new waiver requests, but also for analyzing the effectiveness of waivers and applying lessons learned to future legislative proposals and regulations.

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[9] See http://www.ed.gov/flexibility.

The Department strives to review each waiver request within 60 days of its receipt. Each request received by the Department is reviewed thoroughly by the staff responsible for administering the affected program and by waiver and legal staff. Each of the applicants whose waivers were approved met the statutory criteria with specific plans for using the affected federal programs to improve teaching and learning. Each time a waiver was disapproved, the Department worked extensively with the applicant, providing technical assistance and highlighting other areas of flexibility in the law that would support its objectives. In November 1996, the Department began establishing deadlines for the submission of waiver requests in order to promote planning, provide the Department with sufficient time to review each request, and give waiver recipients enough time to make necessary adjustments prior to the intended implementation date of a waiver.

WAIVER ACTION BOARD MEMBERS

Assistant Secretary, Office of Elementary and Secondary Education (Chairperson)

Assistant Secretary, Office of Vocational and Adult Education

Director, Office of Bilingual Education and Minority Language Affairs

Special Advisor to the Secretary on Teaching

Deputy General Counsel, Office of the General Counsel

In addition to benefitting state and local educators and students, the waiver authorities also have benefitted the Department by providing new insights about the administration of federal education programs. The large number of unnecessary waiver requests has highlighted areas of the law where states and school districts needed additional guidance. The waiver process also has opened new opportunities for the Department to provide technical assistance to states and school districts on implementing federal education programs and has helped to inform the Department about the kinds of technical assistance that educators need.

Administration of Ed-Flex

The Department closely coordinates its administration of Ed-Flex with its administration of the waiver authorities. During the selection process, the Department worked closely with each state Ed-Flex applicant, and Department staff thoroughly reviewed each application against the statutory criteria for selection. In turn, the Waiver Action Board reviewed each Ed-Flex application and forwarded its recommendations for approval or disapproval to the Secretary.

To support the Ed-Flex states, the Department has convened special meetings to enable participating states to discuss administrative issues, clarify their understanding of certain provisions of the ESEA, and learn from one another. Department staff also has met with state Ed-Flex coordinators to answer questions and review their progress in administering the program. Department staff continues to serve as a resource for Ed-Flex states and to administer Ed-Flex as a partnership between the Department and states.

V. CONCLUSION

The waiver authorities appear to be useful tools for promoting improved student achievement in a limited number of circumstances. At the same time, relatively few waivers have been requested from the Department or in Ed-Flex states, and the range of provisions waived is similarly small. Apparently, federal laws and regulations are not acting as barriers to state and local improvement initiatives, but instead appear to provide most states, school districts, and schools with enough flexibility to accomplish their objectives without waivers of federal requirements. Finally, the Department has observed that the use of the waiver authorities depends largely on how much the state promotes their use and on whether states and school districts are pursuing the kinds of school reforms that may require a waiver.

The flexibility provided through waivers is coupled with increased accountability for improving teaching and learning. This report has described the areas in which increased flexibility has been sought since enactment of the waiver authorities. Future reports to Congress will continue to provide information on the kinds of waivers requested and granted and will present information reported by states on improvements in teaching and learning under waivers.

APPENDIX A: Comparison of the General Waiver Authorities in the Goals 2000: Educate America Act, the Elementary and Secondary Education Act, and the School-to-Work Opportunities Act

REQUIREMENTS WHICH MAY BE WAIVED UNDER THE GENERAL WAIVER AUTHORITIES		
Goals 2000 Authority	**ESEA Authority**	**School-to-Work Authority**
Any statutory or regulatory requirement of the following programs: ESEA Title I -- Helping Disadvantaged Children Meet High Standards ESEA Title II -- Eisenhower Professional Development ESEA Title IV -- Safe and Drug-Free Schools and Communities ESEA Title VI -- Innovative Education Program Strategies ESEA Title VII, Part C -- Emergency Immigrant Education The Carl D. Perkins Vocational and Applied Technology Education Act	Any statutory or regulatory requirement of the ESEA, except requirements under Title VIII -- Impact Aid	Any statutory or regulatory requirement of the following programs: ESEA Title I -- Helping Disadvantaged Children Meet High Standards ESEA Title II -- Eisenhower Professional Development ESEA Title IV -- Safe and Drug-Free Schools and Communities ESEA Title VI -- Innovative Education Program Strategies ESEA Title VII, Part C -- Emergency Immigrant Education The Carl D. Perkins Vocational and Applied Technology Education Act The School-to-Work Act also permits the Secretary of Labor to waive certain requirements of the Job Training Partnership Act

REQUIREMENTS WHICH MAY NOT BE WAIVED UNDER THE GENERAL WAIVER AUTHORITIES		
Goals 2000 Authority	**ESEA Authority**	**School-to-Work Authority**
Requirements of the previously-listed programs relating to:	Requirements of the ESEA relating to:	Requirements of the previously-listed programs relating to:
Maintenance of effort	Maintenance of effort	Maintenance of effort
Comparability	Comparability	Comparability
Equitable participation of students and staff in private schools	Equitable participation of students and teachers in private schools	Equitable participation of students in private schools
Parental participation and involvement	Parental participation and involvement	Student and parental participation and involvement
Distribution of funds to States and LEAs	Distribution of funds to States, LEAs, or other recipients	Distribution of funds to States and LEAs
Civil rights requirements and health and safety requirements	Civil rights requirements and health and safety requirements	Public health or safety, labor standards, civil rights, occupational safety or health, environmental protection
	Supplement, not supplant	Eligibility of an individual for participation in a program
	Title X, Part C charter school requirement	Prohibitions or restrictions regarding construction
	Prohibitions regarding State aid or use of funds for religious worship or instruction	Requirements relating to basic purposes or goals of program

STATUTORY CRITERIA WAIVER APPLICANTS MUST ADDRESS TO RECEIVE WAIVERS UNDER THE GENERAL WAIVER AUTHORITIES		
Goals 2000 Authority	**ESEA Authority**	**School-to-Work Authority**
Identification of the requirements requested to be waived and goals recipient intends to achieve, including demonstration that the requirements impede ability to carry out State or local improvement plan	Identification of the Federal programs affected Description of the requirements to be waived and how waivers would increase quality of instruction or improve academic performance	Identification of specific requirements to be waived, including demonstration that requirements impede ability to carry out STW Act
Description of action SEA has taken to remove State barriers identified in LEA applications for waivers, including agreement to waive similar requirements of State law	If applicable, description of which similar State and local requirements would be waived, and how waivers would help achieve stated objectives	Assurance that State waives, or agrees to waive, similar requirements of State law
Description of the goals of waiver and expected programmatic results, and a timetable for implementation of the waiver	Description of specific, measurable educational improvement goals and expected outcomes for all affected students	Description of specific, positive outcomes expected from waiver, and why outcomes cannot be achieved while complying with requirement
Description of the number and types of students impacted by the waiver	Description of how schools would continue to provide assistance to same populations served by programs for which waivers are requested	Identification of the amount of State resources that would be used to implement School-to-Work plan
Description of the process for SEA monitoring, on biannual basis, the progress in implementing the waiver	Description of methods to be used to measure progress in meeting goals and outcomes	Description of process to be used in monitoring progress in implementing waiver
For statewide waivers, assurance that SEA has provided LEAs and parent organizations opportunity to comment, and submission of any LEA comments to Secretary	For SEA seeking waiver on its own behalf, assurance that interested LEAs and the public were provided reasonable opportunity to comment on request, and submission of LEA comments	Assurance that State has provided relevant partnerships and LEAs with opportunity to comment on State request
For LEA waivers, assurance that parents, community groups, and advocacy or civil rights groups were provided opportunity to comment	For LEAs or schools seeking waivers, assurance that SEA had opportunity to review request, and submission of any SEA comments. Also, assurance that public was provided opportunity to comment on the request	Assurance that State has provided, to extent feasible, students, parents, advocacy and civil rights groups, and labor and business organizations opportunity to comment on State request Comments of partnerships and LEAs concerning the waiver request

APPENDIX B: Waivers Granted by State

ALABAMA

Jackson County School System, Scottsboro, Alabama

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

ALASKA

Lower Kuskokwim School District, Bethel, Alaska

Section waived: ESEA section 1113(a)(3)(B)
Initial school year: 1996-97; Duration: 3 years.

ARIZONA

Amphitheater Public Schools, Tucson, Arizona

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Arizona Department of Education, Phoenix, Arizona

Section waived: ESEA section 1208(b)(5)(A)
Initial school year: 1997-98; Duration: 3 years.

Mesa Unified School District, Mesa, Arizona

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

ARKANSAS

Des Arc School District, Des Arc, Arkansas

Section waived: ESEA section 1114(a)(1)(B)
Initial year: 1997-98; Duration: 3 years.

Pulaski County Special School District, Little Rock, Arkansas

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 3 years.

CALIFORNIA

California Department of Education, Sacramento, California

Section waived: ESEA section 11004(a)
Initial school year: 1996-97; Duration: 3 years.

California Department of Education, Sacramento, California

Section waived: ESEA section 14201(a)
Effective date: July 1, 1996; Duration: 3 years.

Chula Vista Elementary School District, Chula Vista, California

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Modesto City Schools, Modesto City, California

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Montebello Unified School District, Montebello, California

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Palmdale School District, Palmdale, California

Section waived: ESEA sections 1113(b)(1)(A) and 1113(c)(2)
Initial school year: 1995-96; Duration: 2 years.

Placerville Unified School District, Placerville, California

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Riverside Unified School District, Riverside, California

Section waived: ESEA section 1113(a)(4)
Initial school year: 1995-96; Duration: 3 years.

San Diego City Schools, San Diego, California

Section waived: ESEA sections 1113(a) and 1113(c)
Initial school year: 1995-96; Duration: 3 years.

Santa Maria Joint Union High School District, Santa Maria, California

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

South Whittier School District, Whittier, California

Section waived: ESEA section 1113(a)(3)(B)
Initial school year: 1995-96; Duration: 1 year.

COLORADO

Colorado Department of Education, Denver, Colorado

Section waived: ESEA section 11004(a)
Initial school year: 1997-98; Duration: 3 years.

Jefferson County School District, Golden, Colorado

Section waived: ESEA sections 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

FLORIDA

Brevard County Public Schools, Viera, Florida

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Dade County Public Schools, Miami, Florida

Section waived: ESEA sections 1113(a)(3)(B) and 1113(a)(4)
Initial school year: 1995-96; Duration: 3 years.

Florida Department of Education, Tallahassee, Florida

Section waived: ESEA section 2206(b) as applied to sections 2203(1) and 2203(2)
Initial school year: 1997-98; Duration: 3 years.

Gadsden County School District, Quincy, Florida

Section waived: ESEA section 1113(a)(3)
Initial school year: 1995-96; Duration: 1 year.

Hillsborough County School District, Tampa, Florida

Section waived: ESEA section 1113(a)(3)(B)
Initial school year: 1995-96; Duration: 3 years.

Palm Beach County School District, West Palm Beach, Florida

Section waived: ESEA section 1113(a)(3)
Initial school year: 1995-96; Duration: 1 year.

Palm Beach County School District, West Palm Beach, Florida

Section waived: ESEA section 1113(a)(4)(B)
Initial school year: 1996-97; Duration: 1 year.

Pinellas County Schools, Largo, Florida

Section waived: ESEA section 1113(a)(4)(B)
Initial school year: 1996-97; Duration: 1 year.

Polk County School District, Bartow, Florida

Section waived: ESEA section 1113(a)(3)(B)
Initial school year: 1997-98; Duration: 2 years.

GEORGIA

Meriwether County School District, Greenville, Georgia

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

HAWAII

Hawaii Department of Education on behalf of Benjamin Parker School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of He'eia Elementary School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Iroquois Point Elementary School Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Kapalama School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Hawaii Department of Education on behalf of Kaumana School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Kealakehe Intermediate School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of King Kamehameha III Elementary School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of King Kaumuali'i Elementary School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Hawaii Department of Education on behalf of Konawaena Elementary School Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Lincoln Elementary School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Pearl Harbor Elementary School Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Hawaii Department of Education on behalf of Pearl Harbor Kai School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Hawaii Department of Education on behalf of Pukalani Elementary School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Queen Lydia Lili'uokalani School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Waiakea Elementary School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Waiakeawaena School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Hawaii Department of Education on behalf of Waipahu Intermediate School, Honolulu, Hawaii

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

IDAHO

Moscow School District, No. 281, Moscow, Idaho

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1996-97; Duration: 1 year.

ILLINOIS

Alton Communtiy United School District No. 11, Alton, Illinois

Section waived: ESEA sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Belleville Township High School District No. 201, Belleville, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Bond Unit School District No. 2, Greenville, Illinois

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1995-96; Duration: 3 years.

Burbank School District No. 111, Burbank, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1997-98; Duration: 3 years.

Cahokia Unit School District No. 187, Springfield, Illinois

Section waived: ESEA section 1113(c)(1) and 34 CFR Section 200.28(c)
Initial school year: 1995-96; Duration: 2 years.

Clinton Community School District, Clinton, Illinois

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Consolidated High School District No. 230, Orland Park, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1996-97; Duration: 3 years.

East Moline District No. 37, East Moline, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Evergreen Park Elementary School District, Evergreen Park, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1996-97; Duration: 3 years.

Indian Springs School District, Justice, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Indian Springs School District, Justice, Illinois

Section waived: ESEA sections 1113(c)(1) and 1113(c)(2)
Initial school year: 1996-97; Duration: 3 years.

Knoxville Community Unit School District No. 202, Knoxville, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Matteson School District No. 162, Park Forest, Illinois

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

Mendota Community Consolidated School District No. 289, Mendota, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1996-97; Duration: 3 years.

Midlothain School District No. 143, Midlothain, Illinois

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

Monmouth Public School District No. 38, Monmouth, Illinois

Section waived: ESEA sections 1113(c)(2) and 1113(b)(1)(A)
Initial school year: 1995-96; Duration: 1 year.

Niles Township High School District No. 219, Skokie, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1997-98; Duration: 3 years.

Orland School District No. 135, Orland, Illinois

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Skokie School District No. 68, Skokie, Illinois

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Urbana School District No. 116, Urbana, Illinois

Section waived: ESEA section 1113(c)(1)
Initial school year: 1997-98; Duration: 3 years.

Worth School District, Worth, Illinois

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

INDIANA

Decatur Township School District, Decatur, Indiana

Section waived: ESEA sections 1113(a) and 1113(c)
Initial school year: 1995-96; Duration: 3 years.

Marion Community Schools, Marion, Indiana

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Warren Township Metropolitan School District, Indianapolis, Indiana

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

IOWA

Des Moines Public Schools, Des Moines, Iowa

Section waived: ESEA section 1113(a)(4)
Initial school year: 1997-98; Duration: 3 years.

Rudd, Rockford, Marble Rock Schools, Rockford, Iowa

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

KANSAS

Kansas Department of Education, Topeka, Kansas

Section waived: ESEA section 1003(a)
Initial school year: 1997-98; Duration: 1 year.

KENTUCKY

Caldwell County Schools, Princeton, Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Christian County Public Schools, Hopkinsville, Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Elizabethtown Independent Schools, Elizabethtown Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Fayette County Public Schools, Lexington, Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Jefferson County Public Schools, Louisville, Kentucky

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Kentucky Department of Education, Frankfort, Kentucky

Section waived: ESEA sections 1116(c)(1)(C) and 1116(d)(3)(A)(ii)
Initial school year: 1995-96; Duration: 3 years.

Kentucky Department of Education, Frankfort, Kentucky

Section waived: ESEA section 14601(b)
Initial school year: 1995-96; Duration: 1 year.

Laurel County Schools, London, Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

McLean County Schools, Calhoun, Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Ohio County School District, Hartford, Kentucky

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

MAINE

Maine School Adminstrative District No. 57, Waterboro, Maine

Section waived: ESEA sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Maine School Administrative District No. 57, Waterboro, Maine

Section waived: ESEA sections 1113(a)(2)(B), 1113(c)(1), 1113(c)(2) and 34 CFR 200.28
Initial school year: 1997-98; Duration: 3 years.

MASSACHUSETTS

Massachusetts Department of Education, Malden, Massachusetts

Section waived: ESEA section 10302(a)
Initial school year: 1995-96; Duration: 3 years.

MINNESOTA

Alexandria Public Schools, Alexandria, Minnesota

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Columbia Heights Public Schools, Columbia Heights, Minnesota

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Columbia Heights Public Schools, Columbia Heights, Minnesota

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

Minnesota Department of Children, Families and Learning, St. Paul, Minnesota

Section waiver: ESEA sections 7302 and 7134(a)
Section waived: 1995-96; Duration: 3 years.

MISSOURI

Ferguson-Florissant R-II School District, Ferguson-Florissant, Missouri

Section waived: ESEA sections 1113(a) and 1113(c)
Initial school year: 1995-96; Duration: 3 years.

Missouri Department of Elementary and Secondary , Jefferson City, Missouri

Section waived: ESEA section 2206(b)
Inital year: 1996-97; Duration: 3 years.

NEBRASKA

Nebraska Department of Education on behalf of the Nebraska Coordinating Commission for Postsecondary Education, Lincoln, Nebraska

Section waived: ESEA section 2206(b)
Initial school year: 1995-96; Duration: 3 years.

Omaha School District, Omaha, Nebraska

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

NEW HAMPSHIRE

White Mountains Regional School District, Whitefield, New Hampshire

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

NEW JERSEY

New Jersey Department of Education, Trenton, New Jersey

Section waived: ESEA section 2209(b)
Initial school year: 1996-97; Duration: 3 years.

NEW YORK

White Plains Public Schools, White Plains, New York

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

NORTH CAROLINA

Cumberland County Schools, Fayetteville, North Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Cumberland County Schools, Fayetteville, North Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Currituck County Public Schools, Currituck, North Carolina

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 3 years.

Edgecombe County Schools, Tarboro, North Carolina

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Gaston County Schools, Gastonia, North Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Haywood County Schools, Waynesville, North Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Montgomery County Schools, Troy, North Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Nash-Rocky Mount School District, Nash-Rocky Mount, North Carolina

Section waived: ESEA section 1114(a)(1)(A)
Initial school year: 1995-96; Duration: 1 year.

Pitt County Schools, Greenville, North Carolina

Section waived: ESEA section 1113(b)(1)(A)
Initial school year: 1997-98; Duration: 3 years.

Yadkin County Schools, Yadkinville, North Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

NORTH DAKOTA

Beach Public School District, Beach, North Dakota

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

OHIO

Cincinnati Public Schools, Cincinnati, Ohio

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Preble Shawnee Local Schools, Camden, Ohio

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

OREGON

Oregon Department of Education, Salem, Oregon

Section waived: 34 C.F.R. sections 403.190 and 403.116(c)(1)
Initial school year: 1995-96; Duration: 4 years.

Oregon Department of Education on behalf of the Oregon State System of High Education, Salem, Oregon

Section waived: ESEA section 2206(b) as applied to section 2203(2)
Initial school year: 1996-97; Duration: 3 years.

Oregon Department of Education, Salem, Oregon

Section waived: ESEA sections 3134 and 3135
Effective date: April 23, 1997; Duration: Period of FY97 fund availability

PENNSYLVANIA

Bedford Area School District, Bedford, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 1 year.

Belle Vernon Area School District, Belle Vernon, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Berwick Area School District, Berwick, Pennsylvania

Section waiver: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 1 year.

Boyertown Area School District, Boyertown, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(a)(4)
Initial school year: 1996-97; Duration: 3 years.

Burrell School District, Lower Burrell, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

Central Greene School District, Waynesburg, Pennsylvania

Section waived: ESEA section 1113(c)(1)
Initial school year: 1996-97; Duration: 1 year.

Coatesville Area School District, Coatesville, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Conestoga Valley School District, Leola, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

DuBois Area School District, DuBois, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Franklin Area School District, Franklin, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Great Valley School District, Malvern, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

Greensburg Salem School District, Greensburg, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1997-98; Duration: 3 years.

Hempfield School District, Landisville, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Highlands School District, Natrona Heights, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Huntingdon Area School District, Huntingdon, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Jersey Shore Area School District, Jersey Shore, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Juniata County School District, Mifflintown, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Kiski Area School District, Vandergrift, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Kutztown Area School District, Kutztown, Pennsylvania

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Lakeland School District, Jermyn, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1997-98; Duration: 3 years.

Lake-Lehman School District, Lehman, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Lampeter Strasburg School District, Lampeter, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Lancaster School District, Lancaster, Pennsylvania

Section waived: ESEA section 1113(a)(3)
Initial school year: 1995-96; Duration: 3 years.

Laurel Highlands School District, Uniontown, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Lehighton Area School District, Lehighton, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Ligonier Valley School District, Ligonier, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1997-98; Duration: 3 years.

Mifflin County School District, Yeagertown, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Mount Pleasant Area School District, Mount Pleasant, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

New Kensington Arnold School District, Arnold, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

North Schuylkill School District, Ashland, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Northampton Area School District, Northampton, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Northern Lehigh School District, Slatington, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Northwest Tri-County Intermediate Unit 5 Title II, Edinboro, Pennsylvania

Section waived: ESEA section 2206(b)
Initial school year: 1995-96; Duration: 3 years.

Northwestern Lehigh School District, New Tripoli, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Octorara Area School District, Atglen, Pennsylvania

Section waived: ESEA section 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Oil City School District, Oil City, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Oil City School District, Oil City, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 2 years.

Palisades School District, Kintnersville, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 1 year.

Penn Manor School District, Penn Manor, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

Philadelphia School District, Philadelphia, Pennsylvania

Section waived: ESEA section 1113(c)(1) and 34 CFR 200.28(c)
Initial school year: 1996-97; Duration: 3 years.

Punxsatawney Area School District, Punxsatawney, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Riverview Intermediate Unit 6 Title II Consortium, Shippenville, Pennsylvania

Section waived: ESEA section 2206(b)
Initial school year: 1995-96; Duration: 3 years.

Riverview School District, Oakmont, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 3 years.

Scranton School District, Scranton, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B), 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

South Eastern School District, South Eastern, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Tamaqua Area School District, Tamaqua, Pennsylvania

Section waived: ESEA section 1113(c)(2)
Initial school year: 1995-96; Duration: 1 year.

Trinity Area School District,Washington, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Tri-Valley School District, Valley View, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Tulpehocken Area School District, Bernville, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1996-97; Duration: 3 years.

Warwick School District, Lititz, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

West Chester Area School District, West Chester, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

West Perry School District, Elliotsburg, Pennsylvania

Section waived: ESEA sections 1113(c)(1) and 1113(c)(2) and 34 CFR 200.28(c)
Initial school year: 1996-97; Duration: 3 years.

Windber Area School District, Windber, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

Woodland Hills School District, Pittsburgh, Pennsylvania

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Wyalusing Area School District, Wyalusing, Pennsylvania

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 3 years.

PUERTO RICO

Puerto Rico Department of Education, San Juan, Puerto Rico

Section waived: ESEA section 1113(a)(3)
Initial school year: 1995-96; Duration: 1 year.

Puerto Rico Department of Education, San Juan, Puerto Rico

Section waived: ESEA section 1113(a)(5)
Initial school year: 1995-96; Duration: 3 years.

Puerto Rico Department of Education, San Juan, Puerto Rico

Section waived: ESEA sections 2207 and 2210(b)
Initial school year: 1995-96; Duration: 1 year.

Puerto Rico Department of Education, San Juan, Puerto Rico

Section waived: ESEA section 1113(a)(3)
Initial school year: 1996-97; Duration: 2 years.

SOUTH CAROLINA

South Carolina Department of Education, Columbia, South Carolina

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

SOUTH DAKOTA

South Dakota Department of Education and Cultural Affairs, Pierre, South Dakota

Section waived: ESEA section 2206(b) as applied to section 2203(1)(B)
Initial school year: 1997-98; Duration: 3 years.

TENNESSEE

Blount County Schools, Maryville, Tennessee

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Campbell County Board of Education, Jacksboro, Tennessee

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Cumberland County School System, Crossville, Tennessee

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Greene County School District, Greeneville, Tennessee

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 2 years.

Marion County School System, Whitwell, Tennessee

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Paris Special School District, Paris, Tennessee

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

Wilson County School System, Lebanon, Tennessee

Section waived: ESEA section 1113(a)(4)
Initial school year: 1997-98; Duration: 1 year.

TEXAS

Fort Worth Independent School District, Fort Worth, Texas

Section waived: ESEA section 1113(c)(1)
Initial school year: 1995-96; Duration: 3 years.

Texas Education Agency, Austin, Texas

Section waived: ESEA sections 1112(a)(1) and 14305
Initial school year: 1995-96; Duration: 3 years.

UTAH

Granite School District, Salt Lake City, Utah

Section waived: ESEA section 1113(a)(4)
Initial school year: 1997-98; Duration: 1 year.

VERMONT

Vermont Department of Education, Montpelier, Vermont

Section waived: ESEA section 2206(b)
Initial school year: 1995-96; Duration: 3 years.

VIRGINIA

Amherst County Schools, Amherst, Virginia

Section waived: ESEA sections 1113(c)(1) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Lynchburg City Schools, Lynchburg, Virginia

Section waived: ESEA sections 1113(a)(2)(B) and 1113(c)(2)
Initial school year: 1995-96; Duration: 3 years.

Virginia Department of Education, Richmond, Virginia

Section waived: ESEA section 2206(b)
Initial school year: 1996-97; Duration: 3 years.

WASHINGTON

Clarkston School District, Clarkston, Washington

Section waived: ESEA section 1114(a)(1)(A)
Initial school year: 1995-96; Duration: 1 year.

Clover Park School District, Clover Park, Washington

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Federal Way Public Schools, Federal Way, Washington

Section waived: ESEA section 1114(a)(1)(A)
Initial school year: 1995-96; Duration: 1 year.

Goldendale Public Schools, Goldendale, Washington

Section waived: ESEA section 1114(a)(1)(A)
Initial school year: 1995-96; Duration: 1 year.

Kent School District, Kent, Washington

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1996-97; Duration: 3 years.

Pasco School District, Pasco, Washington

Section waived: ESEA section 1114(a)(1)(B)
Initial school year: 1997-98; Duration: 3 years.

WEST VIRGINIA

Webster County Board of Education, Webster Springs, West Virginia

Section waived: ESEA section 1113(c)(1)
Initial school year: 1997-98; Duration: 2 years.

WISCONSIN

Baraboo School District, Baraboo, Wisconsin

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1996-97; Duration: 3 years.

Delavan-Darien School District, Delavan, Wisconsin

Section waived: ESEA section 1113(a)(2)(B) and 1113(c)(1)
Initial school year: 1995-96; Duration: 1 year.

Manitowoc Public Schools, Manitowoc, Wisconsin

Section waived: ESEA section 1113(a)(2)(B)
Initial school year: 1995-96; Duration: 1 year.

WYOMING

Wyoming Department of Education, Cheyenne, Wyoming

Section waived: ESEA section 2206(b)
Initial school year: 1995-96; Duration: 1 year.

Wyoming Department of Education, Cheyenne, Wyoming

Section waived: ESEA section 2206(b)
Initial school year: 1996-97; Duration: 2 years.

William R. Kincaid
12/08/97 07:10:28 PM

Record Type: Record

To: Steve_Winnick @ ed.gov @ inet

cc: Michael Cohen/OPD/EOP, Jennifer_Davis @ ed.gov @ inet
Subject: Flexibility Options

Hi Steve--

This is to follow up on the meeting on flexibility this morning; I'm not sure who else at ED is to be involved in this, so I hope you will share it with the appropriate subgroup.

I have faxed over to you the press paper that describes the President's Education Opportunity zones proposal. (Please be sure and let me know if you didn't receive this). Here's a little more detail: While nothing's definite yet, we are currently thinking that in the neighborhood of 20 to 40 of these zones would be chosen competitively, that they would all be "high poverty" (shorthand for places that are either high poverty percentage-wise or that have a large number of poor students) urban and rural districts (or consortia), and that in order to be chosen they would already have to be making some progress in raising student achievement (esp. for low-income kids) or can show that they have begun to put into place effective reform policies. In addition, currently the expectation is that the initial grants would be for 3 years, with the possiblity of extension for a 4th and 5th year if the district demonstrates signficant success in raising student achievement.

I think flexibility options developed should include at least the following, but could include other possibilities as well:

A. Local Flexibility Options Tied to Education Opportunity Zones Proposal

1. Current law option (what's the most flexibility that could be offered within the context of ED's current waiver authorities) -- maybe could do something with schoolwides; perhaps this option would entail expedited/near-automatic consideration at the same time as or immediately following the designation of the zones.

2. New legislation option -- possibly could say for districts that have succeeded in the zone competion and have committed to meaningful, challenging, disaggregated achievement targets, that everything is waived except for a small list of excluded items, which would include, at a minimum, civil rights and IDEA, and possibly additional items.

B. Expansion of Flexibility at the State Level

1. Additional programs covered

2. Additional states added

I am happy to provide further ideas and feedback on this as things progress, but I think these options should be developed over there, rather than over here.

Thanks.

-- Bill Kincaid
456-2857

<u>Expand Schoolwide Program-Type Authority to Cover Districtwide Activities</u> -- issues to be fleshed out:

- Which Programs Covered?:
    - Approach comparable to schoolwides, where most programs covered?
    - Or limit to a specified range of programs?
- Pertaining Only to Use of Funds or Include Other Program Requirements?
- How to Balance with Emphasis on School-Level Control?
- Which Types of Requirements Would Be Excluded?
- Automatic for Any Zone, or Some Sort of Request/Plan for Use of Authority Needed?
- Continue to Have Authority As Long as Zone Retains Status/Funding, or are Additional Accountability Features Needed?
- Other Policy Considerations?
- Legislative Strategy.

Expand Schoolwide Program-Type Authority to Cover Districtwide Activities -- issues to be fleshed out:

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- How to Balance ~~with Emphasis~~ on School-Level Control?
  Dist-level or all
- Which Types of ~~Requirements~~ Would Be Excluded?
- Automatic for Any Zone, or Some Sort of Request/Plan for Use of Authority Needed?
- Continue to Have Authority As Long as Zone Retains Status/Funding, or are Additional Accountability Features Needed?
- Other Policy Considerations?
- Legislative Strategy.

FLEXIBILITY AVAILABLE FOR EOZs

Options under current law:

- Technical assistance

  Considerable flexibility already exists in ESEA and Goals 2000, particularly through the Title I schoolwide program authority, consolidated LEA plans, consolidation of administrative funds, coordinated services projects, transferring unneeded funds for other purposes, and waivers. It is likely, however, that many LEAs are not fully aware of the flexibility that currently exists.

  Devise a strategy whereby we would offer technical assistance to EOZs to enable them to take full advantage of the flexibility that currently exists.

- Waivers

  The waiver authority in Title XIV of ESEA and Goals 2000 permits the Secretary to waive most statutory and regulatory requirements of many programs.

  Encourage EOZs, in their applications, to request waivers of any applicable provisions that hinder their ability to implement district school reform strategies.

  - This vehicle exists in the charter schools provisions in the ESEA, yet states have not sought waivers in their charter schools' applications.

  - May pose logistical problems because waivers would likely need to be approved before EOZ applications were competed.

Options requiring legislation (either through authorizing committee or appropriations committee):

- Lower schoolwide program poverty threshold for EOZs to 35% (or lower)

  The current schoolwide program authority in section 1114 of Title I gives high-poverty schools enormous flexibility to combine Title I as well as most other Federal education funds with state and local funds to upgrade the entire educational program in those schools. Most Federal statutory and regulatory requirements do not need to be met as long as the intent and purposes of the Federal programs are met.

  Under the current 50% poverty threshold, most of the schools in the EOZs would likely already be eligible to operate schoolwide programs. However, lowering the poverty threshold would ensure that more schools would be eligible.

- Would not provide more flexibility for districtwide activities.

- <u>Expand schoolwide program-type authority to cover districtwide activities</u>

This option would allow LEAs, under a comprehensive reform plan, to combine Federal education funds at the district level and use those funds to achieve EOZ purposes.

- Under this option, we would need to think about the locus of decisionmaking. Currently, under Title I and Goals 2000, decisionmaking is focused at the school level--i.e., bottom-up reform. Giving more flexibility to LEAs might conflict with this school-level decisionmaking.

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF INTERGOVERNMENTAL AND INTERAGENCY AFFAIRS

FAX TRANSMITTAL

DATE: 12/12/97

TO: Bill Kincaid

ORGANIZATION:

FAX:

FROM: JENNIFER DAVIS, DEPUTY ASSISTANT SECRETARY

PHONE: (202) 401-3049 FAX: (202) 401-8607

MESSAGE: OGC initial proposal attached

J

If you have trouble receiving this transmission, please call Sarah Unruh at 202-401-3003. Thank you.

3 pages to follow

OFFICE OF THE GENERAL COUNSEL
U.S. DEPARTMENT OF EDUCATION

12/6

Mike—

Here's a cut on flexibility options (notes are from me).

I'm out Monday but Steve W will be here; he'll be at Jennifer's mtng on flexibility.

Jamie

cc: Jennifer Davis
Steve Winnick

FLEXIBILITY OPTIONS

Nonstatutory Options

- **Eliminate all regulations that apply at the school level to give schools greater flexibility in operating federally funded programs. Exceptions would include regulations governing IDEA, civil rights, health and safety, FERPA, and PPRA.**

Upon a quick review, we have not found any statutory requirements to regulate that this option would violate. We will continue to examine this issue, though.

Issues:

- Given the Department's policy not to regulate except when absolutely necessary, this option may not have much impact.
- Arguably, some flexibility contained in regulations may be lost [we're looking for examples].
- eg. "reasonable & necessary" expenses
  Would lose potentially important requirements governing use of funds in EDGAR and the cost principles in OMB Circular A-87. Also, OMB may strongly object.
- May be difficult to distinguish whether a requirement applies at the LEA level or the school level. E.g., recordkeeping requirements generally apply at the LEA level; however, a school probably needs to keep records in order for the LEA to meet its requirement.
- Some of the most burdensome regulations at the school level may be imposed by other agencies, such as HHS, Labor, EPA, or Agriculture. Should we see if they'll join in our flexibility effort?

Statutory Options

- **Expand Ed-Flex authority.**
  - Increase the number of states that may apply for Ed-Flex, tied to greater accountability.
  - Expand the number of programs to which Ed-Flex applies. (eg, believe some voc ed cd be added)
- **Lower (to 35%) or eliminate minimum poverty threshold to operate a schoolwide program.**
- **Authorize any LEA that can meet strict accountability for results to consolidate federal funds it receives without complying with most statutory and regulatory requirements (similar to schoolwide program authority).**

- **Propose greater statutory flexibility in specific areas, e.g. areas in which the greatest number of waiver requests have been received:**

  - restore statutory flexibility in designating eligible Title I schools and areas.
  - permit LEAs to spend Title II funds in more subject areas.

- **Consolidate all federal education reporting requirements.**.

- **Propose to block grant specified programs.**

UNITED STATES DEPARTMENT OF EDUCATION

PUBLIC AFFAIRS

OFFICE OF THE DIRECTOR

Statement of
Richard W. Riley
U. S. Secretary of Education

U. S. Senate Budget Committee Education Task Force
Washington, D. C.
Tuesday, October 28, 1997

Mr. Chairman, I am pleased to have this opportunity to meet with you and members of the Task Force. Education is critically important to our nation as we prepare for the next century, and I welcome this opportunity to discuss education issues with you.

Education in America today faces a number of challenges. Some of our public schools are proud citadels of learning, while others continue to struggle. A great national movement to improve education began nearly 15 years ago, with the publication of the landmark report, *A Nation at Risk*. If there is anything that we have learned in the years since, it is this: Hard work pays off, and raising standards is the key to improvement. Several important measures of student learning show progress, especially in those areas--like mathematics and science--that have been targeted for improvement.

Average performance in math and science on the National Assessment of Educational Progress has improved since the late 1970s and early 1980s for all three grades tested and in every quartile, with the improvement in math equivalent to at least one grade level. Since these subjects have been the focus of national attention, the message here is that we can raise student performance if we work at it.

Our efforts paid off in the performance of our 4th graders on the Third International Math and Science Study, the largest international comparison of student achievement ever conducted. American students finished tied for second in science, and 12th out of 26 countries in mathematics. This was the first time that American students had ever scored above average in both subjects when compared with their peers in other lands. The performance of our 8th graders on TIMSS was not strong, however, and that told us that we need to keep standards high in every grade. Our 8th-grade math curriculum looks like the 7th-grade curriculum in higher-performing nations. This needs to change.

Another sign of progress is the tremendous increase in the number of high school students who take the rigorous academic courses recommended in *A Nation At Risk*. Between 1982 and 1994, the percentage of graduates who completed 4 years of English, 3 years of social sciences, three years of science, and 3 years of mathematics rose from 13 percent to 51 percent. This is still not nearly enough, but the figures show that more students are cracking the books, and that's important news. We talk a lot about "choice" in education. All students can "choose" to take challenging courses that stretch their minds. That's the kind of "choice" that we need to encourage.

When it comes to college admissions tests, scores also have risen significantly in recent years. The combined verbal and math scores on the SAT rose 15 points from 1992 to 1997. SAT math scores are at their highest level in 26 years. ACT scores are also on the rise.

These figures contradict the assertion that some people have made that our public schools have seen nothing but decline in recent years. On the other hand, I don't want to give you the impression that all arrows are pointing upwards. Student performance is still far from where it needs to be.

Reading is one important area where we must do better. In the most recent international study, America's 4th-graders came in second in reading, just behind Finland. However, we still have a large group of students who have yet to meet challenging standards. Forty percent of 4th-graders scored below the "basic" level on the rigorous 1994 National Assessment of Educational Progress (NAEP) test. This sparked the President's "America Reads" proposal and his call for voluntary national tests in 4th-grade reading.

"America Reads" will organize and train reading tutors across the nation to help 4th-graders become independent readers. And the test will give us a way to measure student performance against national and even international standards of excellence.

I am pleased that former Secretary of Education William Bennett has supported bipartisan efforts to develop this voluntary national reading test, as well as a voluntary 8th-grade math test. The math test will include algebra and some geometry -- two subjects which are critically important to the future of young people. A report that the Department issued last week showed that 83 percent of all students who take "algebra I" and geometry go to college. Only 36 percent of those who do not take these courses go to college. Yet only 25 percent of U. S. 8th graders now take algebra.

Education is a state responsibility and a local function. Good schools are the result of dedicated teachers and principals, supportive communities, and involved parents. I am proud that the U. S. Department of Education played a major role in the creation and development of the national Partnership for Family Involvement in Education, which now includes over 3,000 organizations. But education is also a national priority, and the American people support a limited but important role for the federal government.

Federal investments in education represent less than 10 percent of all investments in education in our country. But every dollar is precious because we target priorities and pressing needs. For example, the Department supplies two-thirds of all student aid for college. We provide significant resources to assist at-risk children. And federal funds are often the seed money that gets local initiatives started. In educational technology and charter schools, for example, federal resources now account for about 25 percent of all start-up money.

The Department also disseminates the latest information on "what works" in education. President Clinton has said that the solution to every problem in education has been developed by somebody, someplace, and spreading the word helps other communities to duplicate those solutions.

The Department also promotes access and excellence in education through the administration of programs that are guided by a comprehensive Strategic Plan. One benefit of strategic planning is that it helps us to cut out programs that we can do without. Each of President Clinton's budget requests has included programs recommended for elimination or consolidation. To date, Congress has agreed to eliminate 64 programs that were consolidated or had accomplished their purpose, or that were more appropriately funded through non-federal sources.

Let me give two examples of this streamlining. In the reauthorization of the "Individuals with Disabilities Education Act," elimination or consolidation shrunk 14 programs into 6. And very shortly, we will have sent the entire Higher Education Act reauthorization proposal to the Congress. That proposal will eliminate or consolidate over 40 programs if enacted as we propose.

This streamlining has been an important part of our ongoing efforts to improve the performance of the Department of Education itself, which is the fourth goal of our Strategic Plan.

The Department is a much smaller agency than it used to be. Our staff of 4,600 employees is 40 percent smaller than the 7,700 who were employed in the Office of Education in the Department of Health, Education, and Welfare in 1979.

We have also eliminated one-third or 714 pages of Department regulations. And through our ED-FLEX demonstration initiative, we are giving state-level officials broad authority to waive federal requirements that present an obstacle to innovation in their schools.

All this does not mean that we are sacrificing accountability for taxpayer dollars. We have moved decisively, for example, to address the longstanding problem of student loan defaults. With help from Congress, we have cut the default rate from 22 percent to 10.7 percent, while more than doubling collections on defaulted loans from $1.0 billion to $2.2 billion.

While I am proud of these and other improvements at the Department of Education, I recognize that much more needs to be done. And the ultimate measure of success is the improved performance of schools and students.

There is no "silver-bullet" solution to our education problems. Looking for one only distracts us from doing what needs to be done. The Department recently published a document called, "What Really Matters in American Education." Here are the things that really matter:

* Early childhood education and development that prepares children for school.

* Disciplined classrooms and safe and drug-free schools.

* High expectations and rigorous standards that challenge children to study hard and do their best.

* Teachers who are prepared to teach to high standards.

* A high degree of parental and community involvement.

* Access to computers and other educational technology.

* Learning opportunities that are reinforced by after-school and

summer activities.

* Policies that give principals and teachers greater autonomy in return for greater accountability for student achievement.

* And public-school choice options such as charter schools that offer parents, students, and teachers real alternatives.

Virtually everything the Department does in elementary and secondary education is aimed at helping states and communities to put these elements into place in the classroom, where it counts. For example, the President has a proposal to help 100,000 teachers to become nationally board-certified. This would put at least one "master teacher" in every school in America to mentor other teachers and improve instruction and curricula.

And just this morning, in a speech in Chicago, the President focused on one of the greatest challenges facing us in education -- fixing failing schools. He offered several proposals for doing this. Our position is clear: If a school is failing, we should be willing to close it down or reconstitute it. And if a principal is slow to get the message, superintendents and school boards must be willing to replace them.

I am not surprised that the President tackled this tough issue today. He has made education our nation's number one priority. He believes, as I do, that it is time to get serious about education.

I am convinced that if we do, we can prepare every child for success in the 21st century. I am optimistic about the future of public education in America. I know that we can lift our children and our schools up.

Mr. Chairman, I look forward to working with you and every member of the Task Force to achieve this goal. Thank you very much, and I will be happy to answer any questions you may have.

####

Jennifer_Davis @ ed.gov
12/04/97 01:04:00 PM

Record Type: Record

To: Michael Cohen, William R. Kincaid

cc:
Subject: Re[2]: Flexibility Strategy

Great to know! Was there a report? Can someone from your office bring this to the meeting on Monday?

Jennifer
Helpful to have the summary.

FYI: a paperwork summary of state/local effect of fed program participation was done a couple of years ago. Key sources for what was found then (based on visits to state and local people, interviews) would be Phil Maestre (sp?) in CFO, Pat Sherrill and Steve Moore; Ken Depew in my office was involved. Would show that we have been concerned for a long time, surfaced some info about what is most troublesome, and addresses the issue of what burden is federal and what is state.

______________________________ Reply Separator ______________________________
Subject: Flexibility Strategy
Author: Jennifer Davis at WDCB03
Date: 12/4/97 12:40 PM

I just spoke to Bill Kincaid and earlier today (and over the last several days) have spoken to many of you about this issue. There is a meeting scheduled for Monday at 10:30 to review our overall strategy. I thought it would be helpful to let you know my understanding of what we are doing on this---

1. OGC is drafting proposed legislative language to expand state ed flex. The language will include new programs that were not authorized when the ed flex amendment passed, review options for more directly linking ed flex to results, and expand the option to more (maybe all) states. It would also review the options to allow STATES to waive STATE rules and regulations, not just for the locals.

2. At the same time, the issue of local flex is being reviewed. This option would be tied to either (or both) the Obey/Porter grantees and the new education zone awardees. As a part of this review, we need to know what we could do with existing authority or whether we would need new legislation. This needs to be in the context of a performance partnership. We should probably develop "principles" of this

Ed. opport. Zone

- Disagg/achievemt
- Ed programs only
- Blanket waivers except for specific things exempt
- Maintain as for
  as perform
  as with grant
  years 4/5
- targets?
- Ø vouchers - but how?

approach.

3. The testimony the Secretary gave (I believe before Frist) does a good job of outlining our current flexibility. However, at one of our meetings it became clear that there were other issues we are working on that were not included in the testimony. We should develop one very comprehensive document that reviews all we have done since 1993 to reduce burden and provide flexibility in support of state and local efforts to raise standards and achievement.

NSBA article

4. Several little projects are just underway: (1) to informally review the paperwork impact on a couple of local districts and schools for participating in federal programs; (2) helping the Chicago public schools understand the flexibility already available in federal programs to support their school reform efforts and to review how else the Department could help further; and (3) a Florida professor has offered to help review for us in several districts how our programs could best be integrated at the local level to support improved teaching and learning.

5. We have the 760 letter to Goodling and we need to think strategically about how to get it out more broadly. David Frank did a great job making sure David Broder got it after the Republican Governors' meeting. We probably need to update the list because of the new budget.

6. I am in close contact with Governors' staff about draft NGA block grant proposals. We need to watch how the Hill and Governors' proposals unfold and review drafts and figure out what we should say and do about them before they are final.

7. Reauthorization discussions of ESEA and Goals 2000 have to tie in the whole issue. Moving toward a focus of flexibility in return for results it seems is the logical approach. Might this process have to be moved up??

What have I missed??

Jennifer

Jennifer_Davis @ ed.gov
01/04/98 07:21:00 PM

Record Type: Record

To: William R. Kincaid

cc:
Subject: Flexibility Meetings This Week

Happy New Year!

We have scheduled two meetings this week and I wanted to give you the logistics.

On Thursday, January 8 beginning at 9:00 a.m. in Barnard Auditorium, Bill Herzog will be giving an overview of the Coopers & Lybrand Finance Analysis Model for Education. I have a brochure on the model. If you would like one before the meeting, please have it picked up from Sarah Unruh, my assistant. Her office is room 6452 in the Office of Intergovernmental and Interagency Affairs.

Bill wanted three hours to give a full overview and to have time for Q & A. I have told him that it would be difficult for many of us to be in a meeting that long. I've asked him to please try to give an overview in one hour. Those who can stay, will to learn more of the details.

-- Also --

On Friday, January 9 from 1:00-2:00 in the Secretary's Conference room we will hold our next meeting of the "working group" on flexibility.

To follow up on our last meeting, I propose we:

Have an overview from OCIO regarding the summary they have on all data collection/paperwork requirements (Charlie W./Cynthia W.);

Get an update on the Michigan paperwork project (Cynthia W.);

Get an update on the recommendations due last week on the options for expanding Ed Flex waiver authority (Steve W.);

Get an update on the IEL project (Jon W.??)

Get an update on the School-to-Work ED/DOL switch regarding grants and auditing (Jon W???)

Get an update on Congressional and Gubernatorial plans for 1998 related to block grants/flexibility/money to the classroom/etc. (Scott F./Jennifer D.)

Discuss Next Steps (e.g. specific areas to focus our attention)

Please let me know what else I should add to the agenda or if you are not prepared to give the updates listed above! Thank you.

Jennifer